

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

GARNER J. KOHRELL, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

NELNET SERVICING, LLC and
EDFINANCIAL SERVICES, LLC,

Defendants.

Case No. 3:22-CV-00314

**HON. THOMAS A. VARLAN
CLASS ACTION**

**JOINT MOTION TO TRANSFER TO THE DISTRICT OF NEBRASKA WHERE
RELATED CASES ARE PENDING**

Plaintiff Garner Kohrell (“Plaintiff”) and Defendants Nelnet Servicing, LLC and Edfinancial Services, LLC (“Defendants”), by and through their respective attorneys of record, hereby jointly submit this Joint Motion requesting this Court to transfer this action to the United State District Court of Nebraska.

At present, there are twenty-two (22) out of twenty-three (23) cases pending in the Nebraska District Court before the Honorable Judge John M. Gerrard against the same Defendant and arising out of the same incidents alleged in the Complaint filed in this case (the “Related Actions”). See the following cases: *Jesse Herrick v. Nelnet Servicing, Inc.*, Case No. 4:22-cv-03181; *Amanda Beasley v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03187; *Antonia Bird v. Nelnet Servicing, Inc.*, Case No. 4:22-cv-03195; *Robert Carlson v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03184; *Carey Ballard v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03185; *Michael Varlotta v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03188; *Dylan Hollenkamp v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03189; *William Spearman, et al. v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03191; *Barbara Miller v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03193; *Francine Simmons v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03194; *Veronica Joaquin-Torres v. Nelnet Servicing,*

LLC, Case No. 4:22-cv-03196; *Kennedy Freeman v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03197; *Pamela Bump, et al. v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03204; *Mia Sayers, et al. v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03203; *Christopher Cordaro v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03207; *Ryan Gamen v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03209; *Hunter Freeland v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03211; *Max Eichenblatt v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03227; *Neil Kitzler v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03241; *Jennifer Hegarty v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03186--JMG-CRZ; *Quinn v. Edfinancial Services, LLC & Nelnet Servicing, LLC*, Case No. 8:22-cv-413-JMG-CRZ; and *Ian Scott, et al v. Nelnet Servicing, LLC*, Case No. 4:22-cv-03259-JMG-CRZ. This case is the only Related Action not yet pending in the District of Nebraska.

Plaintiffs in the *Spearman* and *Bump* actions filed a Motion of Transfer of Action and Consolidation (the “Motion”) with the Judicial Panel on Multidistrict Litigation (“JPML”) seeking official coordination of the pending federal actions. That Motion was denied on December 13, 2022, and in denying the request the JPML noted this action was the only case creating a multi-district aspect of the litigation and that, “Section 1404 transfer could eliminate [that characteristic].” See *In re Nelnet Servicing, LLC Data Security Litigation* Case No. 3053, Dkt. No. 60. Section 1404 of Title 28 of the United States Code provides: “For the convenience of the parties, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.” The transfer of this action to the District Court of Nebraska to be litigated in conjunction with other cases pending against Defendants will serve the interests of justice and judicial efficiency, especially since all the cases are designated as Class Action Complaints.

In light of the foregoing, the herein Parties request that the Court transfer this action to the United States District Court for Nebraska to file any appropriate pleadings in relation to this class action lawsuit.

Dated: December 15, 2022

BY: PAINE TARWATER BICKERS, LLP

By: /s/ Thomas H. Jarvis

Michael J. King, #015523

Thomas H. Jarvis, #036835

PAINE TARWATER BICKERS, LLP

900 South Gay Street, Suite 2200

Knoxville, Tennessee 37902-1821

Telephone: 865-525-0880

Facsimile: 865-521-7441

mjk@painebickers.com

thj@painebickers.com

Attorney for Nelnet Servicing, LLC

/s/ Casie D. Collignon

Casie D. Collignon, *Pro Hac Vice*

BAKER & HOSTETLER LLP

1801 California Street, Suite 4400

Denver, CO 80202

Tel: (303) 764-4037

ccollignon@bakerlaw.com

Attorney for Defendant Edfinancial Services, LLC

/s/ Kate M. Baxter-Kauf

Kate M. Baxter-Kauf, *Pro Hac Vice*

Lockridge, Grindal & Nauen PLLP

100 Washington Avenue South

Suite 2200

Minneapolis, MN 55401

612-339-6900

Fax: 612-339-6900

Email: kmbaxter-kauf@locklaw.com

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2022, a copy of this motion was filed electronically with the United States District Court for the Eastern District of Tennessee and served on all counsel of record through the CM/ECF system.

/s/ Thomas Jarvis
Thomas H. Jarvis